

EXHIBIT 12



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,
Plaintiff,

v.

MICRON TECHNOLOGY, INC. *et al.*,
Defendants.

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Case No. 2:22-cv-00203-JRG-RSP

ORDER

Netlist, Inc. previously filed a Motion for Summary Judgment that the Asserted Patents are Not Standard Essential (Dkt. No. 276) and a Motion for Summary Judgment Dismissing Micron’s Affirmative Defense of Breach of RAND Obligation or in the Alternative for Severance (Dkt. No. 280.) Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 421), recommending grant for portions of Netlist’s motions not found moot. Micron has now filed Objections (Dkt. No. 441).

After conducting a *de novo* review of the briefing on the Motions for Summary Judgment, the Report and Recommendation, and the briefing on Micron’s Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that it was erroneous. Consequently, the Court **OVERRULES** Micron’s Objections and **ADOPTS** the Report and Recommendation and orders that the Motion for Summary Judgment that the Asserted Patents are Not Standard Essential (Dkt. No. 276) and the Motion for Summary Judgment Dismissing Micron’s Affirmative Defense of Breach of RAND Obligation or in the Alternative for Severance (Dkt. No. 280) are **GRANTED IN PART**.

So ORDERED and SIGNED this 31st day of January, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE